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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/294,760	04/19/1999	PAUL LAWRENCE HICKMAN	H&S1P002.A	6481

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EXAMINER

HUSEMAN, MARIANNE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/294,760

Applicant(s)

HICKMAN ET AL.

Examiner

Marianne Huseman

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,8,10-14 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,10-14 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Disposition of Application***

1. Applicant's arguments with respect to the New Matter rejection have been considered and that rejection is hereby withdrawn. The amendment of 12/22/99 has been entered. Applicant's comments with regard to the Double Patenting Rejections have been noted and those rejections are being maintained, though not repeated in this action. Claims 2, 10 and 20 have been amended. Claims 1, 2, 8, 10 -14 and 18 - 20 remain pending.

### ***Response to Arguments***

2. With respect to Applicant's arguments that there is not a reason why a person would have more than one e-mail address in a PBX environment, the Examiner respectfully disagrees. It is conceivable and highly probable that, for example, a person operating a help desk would have a personal e-mail address/telephone for mail directed only to him as well as a separate/different address/telephone at which to receive general help desk questions. Also, the idea behind Thompson et al. is to retrieve and consolidate any messages received by a user via voice mail, fax or e-mail. As stated in the rejection, Thompson et al teach that changes to their Administration routing, figure 12, can be made and, more specifically, changes (see column 12, lines 19 – 21) in the services to be polled are possible. It is the Examiner's position that a user could add different e-mail accounts to those services already being polled. Therefore, it is the Examiner's belief that Applicant's proposed invention of consolidating a plurality of e-mail messages from various addresses/telephones to a user is taught by Thompson et al. Cooper et al was included in the rejection mainly to show that polling of e-mail messages can be performed on a schedule in an internet (thus in a plural e-mail address/service provider) environment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8, 10, 11 and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al.

Regarding claims 1, 18 and 19:

Thompson et al teach an apparatus for automatically polling message service systems such that Applicant's monitoring of multiple accounts reads on figures 8 and 12 and column 12, lines 8 – 63, wherein a user may specify a polling routine. Although Thompson et al do not specifically teach polling plural e-mail accounts but rather a voice-mail account and a e-mail account, Thompson et al do teach that changes to their Administration routine, figure 12, can be made. More specifically, changes (see column 12, lines 19 – 21) in the services to be polled are taught; e.g. a user could add different e-mail accounts to those services already being polled.

Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention for Thompson et al to poll as many e-mail accounts as desired as the system described in Thompson et al already polls at least a single e-mail account and the difference between one account and many is simply a matter of adding condition diamonds (as well as the corresponding program code) to figure 8 (i.e., element 808, 808a, 808b... each corresponding to a different e-mail account) and then transferring control to figure 9 for each additional e-mail account or condition diamond. This addition of condition diamonds is considered to be obvious to anyone who has computer programming ability.

Regarding claim 2:

Applicant's step of receiving a designation reads on a user possessing at least 2 computers/telephones (access protocols would be the computer/telephone number) at which to receive e-mail. See column 12, lines 47 – 55.

Regarding claim 8:

Thompson et al teach storing the mail data in a computer memory.

Regarding claims 10, 11 and 20:

Applicant's visually displaying reads on columns 12 and 13, lines 64 – 68 and lines 1 – 9, respectively.

5. Claims 12 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al as applied to claim 1 above, and further in view of Cooper et al. (please note that Cooper et al, Patent Number 6,052,442, is a continuation of Application 08/554,744, filed on November 7, 1995).

While Thompson et al is taught in a PBX and LAN environment (e-mail is tied to a particular telephone), Cooper et al disclose a similar polling apparatus that operates in an internet (e-mail is tied to a particular e-mail address and/or service provider) environment, figure 3, element 74 and column 8, lines 6 - 12. Therefore, it is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the system of Thompson et al to include external WAN (service provider based) e-mail accounts as well as polling internal (PBX) telephone tied accounts as there will be a wider range of choices for communicating with a user.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne Huseman whose telephone number is 703-605-4277. The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

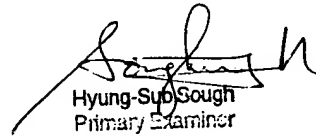
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7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Marianne Huseman  
Examiner  
Art Unit 3621

mh  
June 28, 2002



Hyung-Sup Sough  
Primary Examiner